

RULES AND REGULATIONS
FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTES
IN THE TOWN OF NANTUCKET

I. Purpose

The goal of these regulations is to protect public health and the environment, including Nantucket's single-source aquifer, and ensure that all Private Haulers collecting Solid Wastes adhere to the Massachusetts Department of Environmental Protection (DEP) Waste Ban regulations and uniformly comply with permit requirements established by the Town of Nantucket. This should ensure that:

- The environmental benefits of recycling and composting are maximized;
- DEP Waste Ban requirements are jointly enforced by the municipality and all Private Haulers operating within the municipality;
- Rules are fair and equitable for all Private Haulers operating in the municipality;
- All residents and businesses have convenient (parallel) access to Solid Waste collection services;
- All Private Haulers licensed to operate in the municipality are in compliance with state regulations (310 CMR 19.017) and local bylaws (Code of the Town of Nantucket Chapter 125);
- Greater consistency exists across Massachusetts municipalities to promote clear operating guidelines for Private Haulers; and,
- Municipalities and Private Haulers work together to support the goals of the State's Solid Waste Master Plan and Global Warming Solutions Act.

II. Authority

These regulations establish minimum requirements for the systematic collection of Solid Wastes, in order to promote waste reduction, comply with State-mandated Waste Bans (310 CMR 19.017), the Town of Nantucket's Mandatory Segregation and Recycling bylaws §125-2 and §125-5, and further the goals of the Strategic Plan of the Town of Nantucket's Select Board guided by its principle of sustainability. The Board of Health of the Town of Nantucket adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

III. Effective Date

These regulations shall take effect on .

IV. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

Town shall mean the Town of Nantucket.

Private Hauler shall mean any person or entity providing collection of Solid Wastes for hire within the Town of Nantucket.

Permitted Hauler shall mean any Private Hauler who has obtained a valid Private Hauler permit from the Town of Nantucket Health Department.

Customer shall mean either Residential Customer/Generator or Commercial Customer/Generator.

Commercial Customers/Generators shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed-use building within the Town of Nantucket.

Residential Customers/Generators shall mean property owners and occupants of single- and multi-family dwellings, condominiums, and public housing within the Town of Nantucket.

Hazardous Wastes shall mean any waste defined as hazardous waste by Massachusetts General Laws Ch. 21C § 2.

Mercury Disposal Prohibition shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury-added products cannot be disposed of in Solid Waste. The law also prohibits any Solid Waste collector from collecting as Solid Waste the contents of a Solid Waste container that the collector knows (or reasonably should know) includes one or more mercury-added products. Details may be found at this link:
<http://www.mass.gov/eea/docs/dep/toxics/laws/hgbanfaq.pdf>

Waste Ban Materials shall mean all materials designated as banned from landfill disposal and incineration in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans.

Recyclable Wastes shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans or any additional material recycled at the Town of Nantucket disposal facility.

Compostable Waste shall mean food waste and paper wastes, excluding recyclable paper waste (e.g. Clean, Corrugated Cardboard) and non-compostable paper waste (e.g. plastic-coated paper).

Non-Recyclable/Non-Compostable Waste shall mean useless, unwanted or discarded non-recyclable and non-compostable solid and liquid wastes, excluding Hazardous Wastes.

Primary Wastes shall mean Recyclable Wastes, Compostable Waste, and Non-Recyclable/Non-Compostable Waste.

Solid Wastes shall mean all non-hazardous waste, including but not limited to: Primary Wastes; Mattresses and Furniture; Refrigerators and Freezers; Scrap Metal; Tires; Electronic Waste; Leaf and Yard Waste; Brush; Wood; Construction and Demolition Debris Waste; Asphalt, Brick, and Concrete; and Mixed Excavation Waste.

Bundled Service shall mean the collection of Primary Waste by a Private Hauler.

V. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Wastes generated within the Town of Nantucket shall be required to first obtain and annually renew a permit from the Town of Nantucket. No Private Hauler may collect Solid Wastes unless they have obtained a valid Private Hauler Permit from the Town. The Permitted Hauler is required to obtain insurance at the degree required by the Town of Nantucket, meeting the requirements in the permit application.

VI. Amendments to Permits

A Permitted Hauler may request to amend an existing permit, including to add vehicles. The Town Board of Health shall promptly consider any requests for amendments. In order to become effective, any amendments must be approved by the Board of Health.

VII. Segregation of Solid Waste.

All Private Haulers entering the Town of Nantucket solid waste disposal facility for the purpose of disposal of solid waste shall be responsible for the segregation of such solid waste into separate categories for separate disposal or recycling, as follows: glass, rigid plastics, aluminum cans and ferrous metal cans or additional categories as may be more fully defined from time to time by regulations of the Board of Public Works or its designee. **VIII. Bundled Service Requirement**

Permitted Haulers must provide Customers/Generators a Bundled Service for Primary Waste collection at a rate that reflects the cost of providing all services. All Primary Waste services shall be provided by the same Permitted Hauler unless otherwise pre-approved by the Board of Health. The Permitted Hauler may itemize the invoice to show the collection cost of the individual waste streams contained in the Bundled Service.

IX. Partnership between Permitted Primary Waste Haulers and the Municipality

This regulation is designed to ensure that Nantucket's public health and environment are protected, and DEP's Waste Bans are uniformly adhered to in the Town of Nantucket. It relies on a partnership between the Town of Nantucket and all Permitted Haulers to ensure the Town's Mandatory Segregation and Recycling requirements are followed by all Residential Customers/Generators and Commercial Customers/Generators in the Town of Nantucket.

The Town will support Permitted Haulers by providing the following:

- Educational information on the municipal website about Waste Stream separation and the Town's Mandatory Segregation and Recycling requirement for all Residential Customers/Generators and Commercial Customers/Generators;
- Educational materials that Permitted Haulers can use with new and existing Customers, e.g., Waste Streams Guide;
- Oops Tags to hang on rejected bags; and,
- Enforcement of the regulation for Residential Customers/Generators and Commercial Customers/Generators who do not comply with the Town's Mandatory Segregation and Recycling requirements.

Permitted Haulers will support the Town of Nantucket's goals by:

- Ensuring their operations do not litter by requiring each of their drivers to secure their loads and fully empty their collection vehicles, to be in compliance with the Town's bylaw on the transport of solid waste §125-4.
- Providing instructions on proper management and separation of Primary Wastes to new Customers when service commences and to all Customers on an annual basis in June.
- Not collecting Primary Wastes that contain visible contaminants. Any such contaminated waste shall be left behind/rejected by the Permitted Hauler, who shall notify the Customer generating such contaminated waste of the reason for rejection, e.g., via sticker affixed to non-compliant

set-out, including Town contact information for follow-up regarding the Mandatory Segregation and Recycling requirement. The Permitted Hauler shall notify the appropriate Town contact regarding any Customer whose contaminated waste is so rejected. When notified, the Town will follow up to enforce the Mandatory Segregation and Recycling bylaw §125-2.

X. Inspection

The Board of Health or its designee is authorized to inspect a Permitted Hauler's collection vehicle and load at any time. The Board of Health also has the right to require weight slips or confirmation of disposal of collected wastes.

XI. Nuisance

The Board of Health and its agents reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times to ensure that all Permitted Hauler services comply with all applicable State and local laws, bylaws and regulations. The Board of Health retains the right to define and determine "nuisance" conditions.

XII. Enforcement

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket per MGL Chapter 40, Section 21D. Agents of the Board of Health or its designee shall have the power to enforce the provisions of this regulation.

A. Penalties

In the event that a Permitted Hauler fails to comply with these regulations, the Board of Health reserves the right to assess fines and other penalties and/or revoke the permit to operate within the Town, subject to the Appeal Provisions described below, commencing ten days, exclusive of Saturdays, Sundays and legal holidays, following day of receipt of written notice from the Board of Health. If enforced through a criminal complaint, the fine shall be up to \$1,000 for each violation. If enforced through non-criminal disposition, the penalty shall be a warning for the first offense, and \$300 for the second offense and each subsequent offense thereafter. Each occurrence of failure to comply with the regulations shall constitute a separate violation

B. Appeal Provisions

Any Permitted Hauler cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Board of Health within seven days, exclusive of Saturdays, Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 calendar days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.